

ATTACHMENT B



VICTORIA POLICE

Crime Department

5/452 Flinders Street
Melbourne 3000
Victoria, Australia
DX 210900
Telephone 9611 8514
Facsimile
Email
www.police.vic.gov.au

22nd March, 2012

Ms Bernadette O'Neill
General Manager
Fair Work Australia
GPO Box 1994
Melbourne Victoria 3001

Dear Ms O'Neill

Re: **National Office of the Health Services Union (HSU)**

I refer to your letter dated 14 October 2011 which was in response to my e-mail to Ailsa Carruthers of your Office dated 6 October 2011. In that e-mail, I formally requested your assistance "to provide material information relating to your investigation into allegations of Craig Thomson's actions by the Health Services Union". I indicated that I required your assistance in order to progress a criminal investigation which I am conducting on behalf of the Victoria Police. You were asked to provide information in relation to a number of specific listed items.

Your response to my request is confusing. Having set out your powers of inquiry and investigation under various pieces of legislation and the scope of your delegate's examination, you make several observations, namely:

- "Mr Nassios' investigation does not extend to considering whether the National Office of the HSU (or any person) may have contravened a Victorian criminal law";
- "Neither I, nor FWA, have power to inquire into, or investigate, nor reach conclusions about whether a reporting unit (or anybody) may have contravened a Victorian criminal law;
- "Nor do I or FWA have power to refer a "matter" arising from an inquiry or investigation conducted under sections 330 or 331 of the RO Act to a law enforcement body such as Victoria Police".

Having regard to the matters set out in the previous paragraph you advised that it would not be appropriate for you or your staff to respond to the questions set out in my e-mail of 6 October 2011.

Whilst not immediately apparent to me, your above-mentioned decision appears to have been based upon the mistaken belief that the Victoria Police were seeking to have the FWA inquiry extended to include a consideration of whether or not a Victorian criminal law may have been contravened or to inquire into or investigate such matters. In order to remove any possible misconception, it was never my intention that you or your Office seek to undertake such an exercise.

Accordingly, I hereby again request delivery to Victoria Police of copies of any and all information collected or obtained by FWA falling within those categories articulated by me in my e-mail to your staff member dated 6 October 2011. The determination as to whether or not that material advances the investigation by the Victoria Police into possible breaches of the criminal law is a matter for Victoria Police. As you will appreciate, the documents being sought are of great importance to our inquiry which is a matter of great public interest. It would be appreciated if you could reconsider my request as a matter of urgency.

Yours truly,



John Tyquin
Detective Sergeant
Fraud and Extortion Squad

